

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 IO-13 ISO-00 AF-10 ARA-10 EA-10
NEA-10 DOE-11 ACDA-12 CIAE-00 DODE-00 PM-05
INR-10 NSAE-00 NASA-01 NSC-05 SOE-02 SS-15 OES-07
SSO-00 INRE-00 /137 W
-----098887 141022Z /11

O 140958Z MAR 78
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 7166
INFO AMEMBASSY MOSCOW
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 03934

E.O. 11652: GDS
TAGS: TSPA, UN, UR

SUBJ; OUTER SPACE LEGAL - MEETING WITH USSR

1. SUMMARY. AT OUR INVITATION USSR DEL CALLED AT US MISSION 13 MARCH IN ADVANCE OF OPENING OF OUTER SPACE LEGAL SUBCOMMITTEE. THEY BROUGHT UP GEOSTATIONARY ORBIT GUIDELINES, OUTER SPACE DEFINITION, DIRECT BROADCAST SATELLITE PRINCIPLES AND THE SUBCOMMITTEE'S PROGRAM AND METHODS OF WORK. DISCUSSION WAS FRANK AND POSITIVE.

2. DETAILS. USSR DEL CONSISTING OF MAIORSKI AND KOLOSSOV OF FOREIGN MINISTRY, MME VASILEVSKAYA OF ACADEMY OF SCIENCES AND ZUBENKO (PHON) OF SOVIET MISSION GENEVA CALLED ON US DEL AT OUR INVITATION IN RESPONSE TO THEIR PREVIOUS REQUEST. MAIORSKI SAID AMB PIRADOV IS OBLIGED FOR REASONS OF HEALTH TO REMAIN IN PARIS AT HIS UNESCO POST; MME MIRONOVA, USSR AMB HERE, WILL FORMALLY HEAD THEIR DEL TO LEGAL SUBCOMMITTEE. MAIORSKI SAID USSR WAS SORRY IT HAD BEEN UNABLE TO ACCEPT US PROPOSAL
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FOR PRE-SESSION CONSULTATIONS IN LONDON. SPEAKING PERSONALLY HE NOTED THAT OUR PROPOSAL FOR CONSULTATIONS TO BE HELD ONLY SOME 10 DAYS BEFORE THE SUBCOMMITTEE SESSION AND WITH ONLY SOME TWO DAYS NOTICE TO THE USSR HAD PRESENTED SOVS WITH PHYSICAL AND LOGICAL DIFFICULTIES. HOSENBALL REGRETTE THAT EARLIER CONSULTATIONS HAD NOT PROVEN POSSIBLE. HE INFORMED SOVS THAT NASA DEPUTY

ADMINISTRATOR WILL BE MAKING A PRESENTATION ON CURRENT ACTIVITIES IN SPACE TO THE SUBCOMMITTEE 14 MARCH. MAIORSKI ASKED WHETHER US DEL HAD SEEN SUBCOMMITTEE CHAIRMAN WYZNER. HOSENBALL SAID WE HAD AND WE COULD ACCEPT WYZNER'S PROPOSAL FOR ORGANIZATION OF THE SUBCOMMITTEE'S WORK (SEPTTEL). MAIORSKI SAID, SOMEWHAT FORMALLY, THAT THEY WERE UNENTHUSIASTIC ABOUT THE CHAIRMAN'S PROPOSAL SINCE THEY BELIEVE THAT THE SUBCOMMITTEE ALREADY HAS A HEAVY AGENDA. THE SUBJECT OF WHAT HE PHRASED IN GENERAL TERMS AS THE RETURN OF SPACE VEHICLES AND FRAGMENTS (SPEAKING MORE BROADLY THAN OF NUCLEAR POWER SOURCES IN SPACE) WAS NOT SO URGENT. HOWEVER, THEY WERE PREPARED TO ACCEPT THE CHAIRMAN'S PROPOSAL "IN A SPIRIT OF ACCOMMODATION." BUT THE USSR THOUGHT CANADA AND ONE OR TWO OTHERS WERE EXHIBITING UNDUE HASTE IN THE MATTER. THE USSR WAS PREPARED TO DISCUSS THESE QUESTIONS BILATERALLY AND PRIVATELY. PUBLIC DISCUSSION WOULD NOT HELP.

4. THE USSR ANTICIPATED THAT MORE ATTENTION WOULD BE PAID TO GEOSTATIONARY ORBIT QUESTIONS AS TIME WENT ON, NOTING THE PRESENCE OF A NUMBER OF EQUATORIAL AND NEAR-EQUATORIAL COUNTRIES AMONG THE 10 NEW STATES WHICH ARE JOINING THE BODY THIS YEAR. MOSCOW HAD COME TO THE CONCLUSION IT MIGHT BE DESIRABLE TO PUT ASIDE TRADITIONAL SPACE POWER RELUCTANCE TO DEAL WITH THE SUBJECT AND THEY WOULD BE TRYING TO DRAFT A GA RESOLUTION ON THE SUBJECT, POSSIBLY CONFIDENTIAL

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ALONG LINES OF THE PROPOSAL FOR A SET OF GUIDELINES WHICH THE USSR HAD PRESENTED DURING THE 1977 SESSION OF THE PARENT OUTER SPACE COMMITTEE IN VIENNA (SEE OSC 1977 REPORT, A/32/20, ANNEX VI). HE NOTED THAT WHILE THE EQUATORIAL STATES HAD STATED OUT A JOINT POSITION IN THE DECLARATION, THERE WAS NOTHING EXCEPT SPEECHES AT THE 1977 WARC BY AUSTRALIA, THE US AND OTHERS, AND STATEMENTS IN THE LEGAL SUBCOMMITTEE. WHILE THE POSSIBILITY OF GETTING CONSENSUS IN THE SUBCOMMITTEE ON A REASONABLE DRAFT GA RESOLUTION SCARCELY EXISTED, ITS INCLUSION IN THE SUBCOMMITTEE'S REPORT, EVEN MERELY AS THE PROPOSAL OF A NUMBER OF DELS, WOULD BE USEFUL, HE THOUGHT. HOSENBALL NOTED THE PARALLELISM OF US AND SOVIET OPPOSITION TO CLAIMS OF SOVEREIGNTY OVER THE GEOSTATIONARY ORBIT. HE OBSERVED THE USG HAS NOT TAKEN A POSITION ON THE USSR OUTER SPACE COMMITTEE PAPER BUT SAID US DEL COULD BE GLAD TO LOOK AT ANY TEXT THEY MIGHT PREPARE. 5. TURNING TO DEFINITION OF OUTER SPACE, HOSENBALL SAID THERE WAS NOTHING NEW ON THE US SIDE. WE CONTINUED TO SEE NO ADVANTAGE TO THE US OF ANY DEFINITION AND RECALLED THAT THE SCIENTIFIC & TECHNICAL SUBCOMMITTEE HAD ASKED THE LEGAL SUBCOMMITTEE TO IDENTIFY THE PURPOSES

WHICH A DEFINITION WOULD BE INTENDED TO SERVE. MAIORSKI AND KOLOSISOV ASSERTED THAT A GROWING NUMBER OF SUBCOMMITTEE MEMBERS ARE TAKING NOTE OF THE FRENCH THESIS THAT THE LAW AGREED IN THE OUTER SPACE TREATY AND SUBSEQUENT TREATIES IS OF LIMITED USE IF ITS FIELD OF APPLICATION IS NOT DEFINED. MOREOVER, THE USSR IS CONCERNED THAT AS THE TREND TOWARD INCREASINGLY EXTENSIVE CLAIMS TO THE TERRITORIAL SEA HAD DEVELOPED IN THE 1950'S AND 1960'S, SO MORE AND MORE CLAIMS OF SOVEREIGNTY EXTENDING INTO OUTER SPACE WOULD LIE AHEAD UNLESS MEANINGFUL PREVENTIVE ACTION WAS TAKEN BY THE SPACE POWERS NOW. THE REFUSAL OF THE SPACE POWERS TO DISCUSS THE DEFINITION QUESTION SERIOUSLY

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INR-10 NSAE-00 NASA-01 NSC-05 SOE-02 SS-15 OES-07
SSO-00 INRE-00 /137 W

-----111248 150125Z /62

O 141759Z MAR 78
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 7193
INFO AMEMBASSY MOSCOW
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 03934

ALIENATED MANY DELS AND MADE SERIOUS NEGOTIATIONS ON OTHER, MORE IMPORTANT MATTERS DIFFICULT, MAIORSKI SAID. REFERRING TO CHARGES OF "SPACE IMPERIALISM," ETC. HE SAID MOSCOW HAS BEEN CONSIDERING A TWO-PART PROPOSAL: (A) WHAT IS ABOVE CERTAIN LIMITS, EG 100, 110 OR 120 KM IS OUTER SPACE, AND (B) THE STATUS OF WHAT LIES BELOW IS UNDECIDED, EG AIRSPACE MIGHT EVENTUALLY BE DETERMINED TO GO TO A 70 OR 80 KM ALTITUDE. HE RESPONDED STRONGLY TO OUR QUESTION BY SAYING THE USSR DOES NOT WANT ANY MIDDLE ZONE.

6. SPEAKING PRELIMINARILY, US DEL SAW CERTAIN PROBLEMS WITH NON-FUNCTIONAL DEFINITION. A GEOGRAPHICAL DEFINITION COULD CREATE PROBLEMS FOR THE EVENTUAL DEVELOPMENT OF A TRULY HYBRID AIRCRAFT/SPACECRAFT/ AND A MIDDLE ZONE MIGHT INADVERTENTLY BE GIVEN RESPECTABILITY. HOWEVER, AS

SOVS SUGGESTED, WE WOULD BE READY TO DISCUSS THE MATTER
LATER IN THE WEEK.

7. USSR DEL RECALLED THEIR IMPRESSION THAT THE SUBCOM-
MITTEE HAD BEEN CLOSE TO AGREEMENT ON A SET OF PRINCIPLES
FOR DIRECT TELEVISION BROADCASTING BY SATELLITE (DBS).
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SPEAKING FRANKLY, THEY BELIEVED THAT THE LACK OF A US
POSITION IN 1977 HAD STOPPED THE DEVELOPMENT OF A CONSEN-
SUS AND ASKED FOR A STATEMENT OF OUR CURRENT POSITION.
US REP OBSERVED THAT DBS GUIDELINES PRESENT A DIFFICULT
ISSUE. THE US WOULD CONTINUE TO HAVE DIFFICULTY WITH ANY
TEXT THAT COULD BE CONSTRUED AS REQUIRING PRIOR CONSENT
BEFORE BROADCASTS CAN BE INITIATED OR WHICH WOULD SEEK TO
IMPOSE PROGRAM CONTENT LIMITATIONS. THE BRACKETED TEXT
DISCUSSED AT THE VIENNA SESSION LAST SUMMER DOES NOT MEET
ALL OUR OBJECTIONS, BUT WE WOULD BE READY TO LOOK AT ANY
NEW PROPOSALS. AS WE HAD MADE CLEAR LAST YEAR, THE US
WAS PREPARED TO ACCEPT OBLIGATIONS TO NOTIFY IN PREPARA-
TION FOR THE ESTABLISHMENT OF A DBS SYSTEM AND A CONTINU-
ING OBLIGATION TO ENTER INTO CONSULTATIONS WITH RESPECT
TO DBS QUESTIONS IN RESPONSE TO A REQUEST BY ANOTHER
STATE. AS WE HAD STATED EARLIER, THE CHARACTER OF
EVENTUAL DBS TECHNOLOGY, THE 1977 ITU WARC ARRANGEMENTS
AND THE ABSENCE OF US PLANS TO CONSTRUCT A DBS SYSTEM
RAISED QUESTIONS AS TO WHY THE US SHOULD ACCEPT
GUIDELINES THAT MIGHT PROVE DIFFICULT. ON THE OTHER
HAND, WE WERE READY TO CONCLUDE THE DBS STRESS ON INTER-
NATIONAL COOPERATION AND WITH GUIDELINES EXERCISE WITH
NOTIFICATION AND CONSULTATIONS PROVISIONS IF THAT WERE
POSSIBLE. IN RESPONSE TO US DEL QUESTIONS, MAIORSKI AND
KOLOSISOV ASSERTED THAT THE SOVIET POSITION HAS MOVED
A GREAT DEAL FROM ITS ORIGINAL INSISTENCE THAT THE GUIDE-
LINES MUST INCLUDE AN EXPLICIT REFERENCE TO PRIOR CONSENT
AND THEY ARE WILLING TO DROP ENTIRELY THEIR EARLIER WISH
FOR SPECIFIC LIMITATIONS ON PROGRAM CONTENT IF THE GUIDE-
LINES ARE OTHERWISE SATISFACTORY. TURNING TO THE TEXT
CONSIDERED AT THE 1977 SUBCOMMITTEE AND OUTER SPACE
COMMITTEE SESSIONS, MAIORSKI RESPONDED TO OUR QUESTION
BY SAYING THAT THE USSR COULD CONSIDER DELETING THE WORD
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"AGREEMENTS" IN THE UNAGREED PARAGRAPH REQUIRING THAT
A DBS SERVICE BE ESTABLISHED ON THE BASIS OF ITU INSTRU-
MENTS AND "SHALL BE BASED ON APPROPRIATE AGREEMENTS AND/

OR ARRANGEMENTS" BETWEEN BROADCASTING AUTHORITIES. US
DEL NOTED THAT FLEXIBILITY OF THIS CHARACTER COULD PROVE
HELPFUL AND AGREED THAT US AND SOV DELS COULD DISCUSS THE
MATTER FURTHER LATER IN THE WEEK.

8. WE AGREED WITH SOV DEL PREFERENCE THAT THE SUBCOMMIT-
TEE'S AGENDA ITEMS WOULD BEST BE PURSUED THROUGH INFORMAL,
CLOSED WORKING GROUP MEETINGS, RATHER THAN FORMALIZED
PUBLIC SUBCOMMITTEE SESSIONS. IN RESPONSE TO OUR QUESTION
SOVS SAID THEY REMAIN COMMITTED TO CONSENSUS PROCEDURE.

9. IN PARA 4 ABOVE, BEGINNING OF 3D SENTENCE SHOULD READ
"HE NOTED THAT WHILE THE EQUATORIAL STATES HAD STAKED OUT
A JOINT POSITION IN THE 1976 BOGOTA DECLARATION..."
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETINGS, SPACE PROGRAMS, CONSULTANTS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA03934
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780112-1029
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780372/aaaacjda.tel
Line Count: 239
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0ef2f5c7-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 06 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3344255
Secure: OPEN
Status: NATIVE
Subject: ; OUTER SPACE LEGAL - MEETING WITH USSR
TAGS: TSPA, UR, UN, OUTER SPACE LEGAL SUBCOMMITTEE
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/0ef2f5c7-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014